

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

DAVID STEBBINS)	
Appellant)	
VS.)	
RANDALL RICHARDSON &)	Case No. 11-3639
RELIABLE HEAT & AIR, LLC)	
AppelleeS)	
_____)	

**RESPONSE TO ORDER TO SHOW CAUSE AND
MOTION TO RESTART BRIEFING SCHEDULE**

Comes now, *pro se* Plaintiff David Stebbins, who hereby submits the following response to the Court's order dated February 9, 2012 to show cause for why the case should not be dismissed for failure to prosecute, and simultaneous motion to restart the briefing schedule. Upon hearing this explanation, the Court will also understand why I did not get the explanation to it within the original fourteen (14) day time limit.

On Thanksgiving Night, November 24, 2011, I was arrested for a crime that I did not commit. I hope the Court will not hold it against me; I can *prove* that I am innocent. I can prove it in six different ways, but that is a different case for a different court.

In any event, I have spent the past four months in jail, saving up my SSI so that I could bail out. I posted bail on March 14, 2012 and moved into my new apartment. See my Notice of Change of Address, which I am also filing.

Of course, being incarcerated does not excuse me from prosecuting my civil actions. I understand this. However, one thing that hindered my ability to notify the Court of my incarceration was my malicious father. He is the alleged victim of my felony charge (and I emphasize the word "alleged") who cut himself with a knife and then called the police and accused me of doing it. I had asked my mother to learn of the addresses for various courthouses

in which I had cases pending, so that I could continue to pursue them. I already had the address for the U.S. District Court for the Western District of Arkansas memorized, but I still needed the addresses for other courthouses, including this one.

However, my mother only had the chance to tell me the address for the courthouse in the U.S. District Court for the Western District of Washington before my father overheard our phone conversation and, in a malicious attempt to deprive me of access to the courts, stopped her from telling me the addresses of the other courts, including this one. My mother is a submissive housewife, and did as she was told, even though it was tortuous, making it literally impossible for me to notify this Court of my change of address.

In the case of *Stebbins v. Microsoft*, you can see that I notified the Court, as that was the one address she was able to get me. In the cases of *Stebbins v. University of Arkansas* and *Stebbins v. Legal Aid of Arkansas*, I notified the Court of my situation, because I had already memorized that address. In the discrimination case of *Stebbins v. Harp & Associates*, I could neither remember nor obtain the case number in that case, though now that I have bailed out of jail, I can once again resume prosecution of that case, just as I am willing to resume prosecution of this one.

As you can see, my inability (as opposed to unwillingness) to prosecute this case was due to situations entirely beyond my control.

For this reason, I ask the court to grant the following relief:

1. Forgive my untimely failure to file a briefing, and
2. Establish a new briefing schedule giving me the appropriate forty (40) days to file my briefing.

Wherefore, premises considered, I respectfully pray that the above-requested relief be granted.

It is so requested on this 16th day of March, 2012.

By /s/ David Stebbins
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CERTIFICATE OF SERVICE

Pursuant to 8th Cir. Local Rule 25B, I hereby certify that a true and correct copy of this
Notice was served on Appellee by allowing its counsel to view it on ECF.

By /s/ David Stebbins
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